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29/11/07

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 6343 of 2007

PETITIONERS : 1. Chhattisgarh Civil Thekedar Kalyan Samiti Through its President Dilip Khare S/o B.R.Khare, Civil Thekedar, Kalyan Samiti Krishna Nagar, Gewra Project, Dipka, Tahsil – Katghora, District – Korba (C.G.)

2. Dilip Khare S/o B.R.Khare, aged about 33 years, President of Civil Thekedar Kalyan Samiti, Krishna Nagar, Gewra Project, Dipka, Tahsil – Katghora, District – Korba (C.G.)
3. Ashok Kumar Singh S/o Mahendar Singh Aged about 46 years, R/o Genra Basti, Kusmunda, Korba, District – Korba (C.G.)
4. Sunil Kumar Singh S/o Chandrika Singh, Aged about 48 years, R/o Kranti Nagar, Bilaspur, District – Bilaspur (C.G.)
5. Ajay Yadav S/o Resham Lal Yadav, about 24 years, R/o Dipka Basti, Korba, District – Korba (C.G.)
6. Bhaku Lal Sahu S/o Jothe Lal Sahu, aged about 53 years, R/o R.P.Nagar, M.I.G. 80, R.P.Nagar, Korba, District Korba (C.G.)
7. Anil Kumar Singh S/o B.Singh, aged about 45 years, R/o Katghora Road, Dipka, Korba, District – Korba (C.G.)
8. Suraj Kumar Dhiraj S/o Shyam Nandan Sharma, aged about 29 years, R/o Katghora Road, Dipka, Korba, District Korba, (C.G.)
9. P.K.Tiwari S/o Late Brij Mohan Tiwari aged about 47 years, R/o Kusmunda, Korba, District – Korba (C.G.)
10. Subramanian K. S/o Late Shri V.V.Paithal aged about 48 years, R/o M.I.G. A/56, M.P.Nagar Extension, Korba, District – Korba (C.G.)
11. Anurag Kumar Chaubey, S/o Shri Anirudh Chaubey, aged about 46 years, R/o Subhas Block, Korba, District Korba (C.G.)
12. Bipin Kumar Roy S/o Sachinder Prasad Roy, aged about 39 years, R/o Gordewa, Korba, District- Korba (C.G.)
13. Om Prakash Sharma S/o Rang Bahadur Singh, aged about 27 years, R/o Shakti Nagar, Korba, District – Korba (C.G.)
14. Suresh Kumar Agrawal S/o Late Maman Chand Agrawal, aged about 32 years, R/o Genra Basti, Kusmunda, Korba, District – Korba, (C.G.)
15. Majid Memon S/o Mohammad Kasam, aged about 32 years, R/o Genra Basti, Kusmunda, District – Korba, (C.G.)
16. Rajendra Singh S/o Late Dilip Narayan Singh, aged about 55 years, R/o Genra Basti, Kusmunda, Korba, District –Korba.
17. M.N.Siddiqui S/o Late Mohammad Hashim, aged

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about 56 years, R/o Vikas Nagar, Kusmunda, Korba, District –Korba (C.G.)
18. Amarjeet Singh S/o N.K.Singh, aged about 27 years, R/o Kusmunda, Korba, District – Korba (C.G.)
19. S.N.Agrawal S/o N.K.Agrawal, aged about 44 years, R/o Korba, District Korba (C.G.)
20. Om Prakash Singh S/o Ambika Singh, aged about 37 years, R/o Kusmunda, Korba, District – Korba (C.G.)
21. Sunil Kumar Singh S/o Kalicharan Singh, aged about 49 years, R/o Kusmunda, Korba, District Korba (C.G.)
22. Ghanshyam Prasad Agrawal S/o N.K.Agrawla, aged about 40 years, R/o P.M.Road, Korba, District – Korba (C.G.)

All are of Civil Thekedar in Chhattisgarh Civil Thekedar Kalyan Samiti, S.E.C.L. Gewra Area, Korba (C.G.)

VERSUS

RESPONDENTS : 1. The South Eastern Coalfields Ltd. Through its Chairman-cum-Managing Director Office at Seepat Road, Bilaspur (C.G.)
2. The Chief General Manager, S.E.C.L. Gewra Area, Bilaspur (C.G.)
3. Area Karmik Manager, S.E.C.L. Gewra Area, Korba (C.G.)
4. General Manager, Civil, Office of General Manager, Civil Seepat Road, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Awadh Tripathi, Advocate for the petitioners.
Shri P.S.Koshy, Advocate for the respondents.

ORAL ORDER

(Passed on 28th day of November, 2007)

1. The petitioners are Contract Thekedars, who perform the work contract of respondent Coalfields, i.e. South Eastern Coalfields Limited. Being aggrieved by the order dated 13.03.2007 (Annexure P/1), issued by the respondent/Coalfields, the petitioners have approached this Court, which provides for payment to the workers through bank and not by cash. Learned counsel appearing for the petitioners submits that this condition was neither a part of the contract nor of the agreement. Learned counsel further submits that in fact, no condition for payment to the workers was

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provided in the contract. The workers, who are daily wagers, cannot be paid their wages through bank, as it creates inconvenience to the petitioners.

2. On the contrary, Shri Koshy, learned counsel for the respondents would submit that the impugned order dated 13.03.2007 (Annexure P/1) is benevolent, beneficial and for the purpose of ensuring that the workers are paid full amount and the amount should reach to the family of the workers. This Court finds force in the contention of the learned counsel for the respondents. The purpose seems to be laudable and in the welfare of the workers.

3. The petitioners are not in a position to point out violation of any fundamental, legal or any other right. Further, the petitioners have not made out any ground indicating infringement of any right by this petition.

4. Thus, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Amit